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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,968	10/19/2000	Carlos V. Pinera	6169-137	6538
40987	7590	05/22/2006	EXAMINER	
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			KISS, ERIC B	
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/691,968	<b>Applicant(s)</b> PINERA ET AL.	
	<b>Examiner</b> Eric B. Kiss	<b>Art Unit</b> 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 13-24, 26-28 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-24, 26-28 and 30-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20060412</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The reply filed 28 February 2006 has been received and entered. Claims 1-11, 13-24, 26-28, and 30-33 are pending.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed 12 April 2006 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication. 37 CFR 1.98(b)(5). It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). *See* MPEP § 609.05(a).
3. It is noted that Applicant has provided English-language abstracts for each foreign patent reference. Submission of an English language abstract of a reference may fulfill the requirement for a concise explanation. *See* MPEP §609. "The duty of candor does not require that the Applicant translate every foreign reference, but only that the Applicant refrain from submitting partial translations and concise explanations that it knows will misdirect the Examiner's attention from the reference's relevant teaching." *See Semiconductor Energy Laboratory Co. v. Samsung Electronics Co.*, 204 F.3d 1368, 54 USPQ2d 1001 (Fed. Cir. 2000). Accordingly, the Applicant-

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provided English-language abstracts have been considered, and are assumed to reflect the most relevant teachings contained within each reference that is not in the English language, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information listed.

### ***Response to Arguments***

4. Applicant's arguments filed 28 February 2006 have been fully considered but they are not persuasive.

The examiner maintains that *Ma et al.* teaches terminating instances of each said identified application component before said instances self-terminate. As disclosed, for example, in col. 9, lines 28-35, the preferred behavior is to refresh an object immediately after reading the invalid bit in the object. Another object which is referencing an invalid object can read the invalid bit from the cache and decide to release the invalid object and load the updated object. *Ma et al.* at col. 9, lines 24-27. Thus, although *Ma et al.* does teach the possibility of allowing an obsolete object to continue operating, *Ma et al.* also allows (and indeed prefers) the object to be terminated early.

The examiner further maintains that *Yamano* teaches a configuration client being disposed in a client position (see, for example, Figs. 1 and 2 and col. 3, lines 42-63) and the configuration client submitting at least one query to the configuration server (see, for example, col. 4, lines 4-28). The configuration client of *Yamano* is used to receive configuration information from a configuration server and use the received information to configure the client (see, for example, Fig. 3).

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-6, 10, 11, 13-20, 24, 26-28, and 30-33 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,920,725 to Ma et al. in view of U.S. Patent No. 6,314,088 to Yamano.

As per claims 1 and 2, *Ma et al.* disclose establishing a first communications connection between a platform managing active application components and a configuration client disposed in a client position (client app 74 and object adapter 80; see, for example, Fig. 5; col. 8, lines 10-34; and col. 9, lines 6-43); establishing a second communications connection between said configuration client and a configuration server (object adapter 80 and meta server 70; see, for example, Fig. 5; and col. 11, lines 1-24); delivering client position specific updates to said configuration client over said second communications connection, wherein each update corresponds to at least one particular application component (client classes are updated; see, for example, Figs. 5 and 8; col. 9, lines 6-43; and col. 11, lines 25-40); notifying said platform that updates are available (see, for example, col. 9, lines 6-43); responsive to said notification, terminating execution of said particular active application components, delivering each said update over said first communications connection to said platform, applying each said update to said at least one corresponding application component, and re-executing each said update application component (see, for example, col. 9, lines 6-43; and col. 11, lines 25-40).

*Ma et al.* further disclose the step of terminating comprising: identifying said at least one particular corresponding application component to be updated based on said notification (see, for example, col. 9, lines 6-43; and col. 10, lines 39-66); terminating instances of each said identified application component before said instances self-terminate (objects having a reference count of zero are deleted; a client object referencing an invalid object can read the invalid bit from the cache and decide to release the invalid object and load the update object; see, for example, col. 9, lines 6-43); and removing interdependencies between said terminated application component instances and other application components (for example, new references to objects marked invalid are no longer made; see, for example, col. 10, lines 39-66).

*Ma et al.* fails to expressly disclose the platform and configuration client both being disposed in a client position and the configuration client submitting at least one query to the configuration server via the second communication connection. However, *Yamano* teaches a configuration client being disposed in a client position (see, for example, Figs. 1 and 2 and col. 3, lines 42-63) and the configuration client submitting at least one query to the configuration server (see, for example, col. 4, lines 4-28). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to modify the method of *Ma et al.* to include such a configuration client arrangement and query submission. One would be motivated to do so facilitate the use of multiple configuration servers.

As per claim 3, *Ma et al.* further disclose the re-executing step comprising: instantiating each said updated application component (see, for example, col. 10, lines 39-66); and initializing each said updated application component instance (see, for example, col. 9, lines 6-43; and col. 10, lines 39-66).

As per claim 4, *Ma et al.* further disclose the initializing step comprising: communicating configuration information to said configuration client (see, for example, col. 9, lines 6-43); and reinitializing state information internal to each said updated application component based on said configuration information (see, for example, col. 9, lines 6-43; and col. 10, lines 39-66).

As per claim 5, *Ma et al.* further disclose requesting from said configuration client update notifications, said update notifications notifying said platform of application component updates as said updates become available in said configuration server (see, for example, col. 9, lines 6-43).

As per claim 6, *Ma et al.* further disclose the step of transmitting update notifications over said second communications connection to said configuration client, said update notifications notifying said configuration client of application component updates as said updates become available in said configuration server (see, for example, col. 9, lines 6-43).

As per claim 10, *Ma et al.* disclose a platform for managing active application components (client app 74; see, for example, Fig. 5; col. 8, lines 10-34; and col. 9, lines 6-43); a configuration server for storing updates (meta server 70; see, for example, Fig. 5; and col. 11, lines 1-24); and a configuration client for receiving updates from said configuration server and communicating said received updates to said platform (object adapter 80; see, for example, Fig. 5; col. 8, lines 10-34; and col. 9, lines 6-43); said platform receiving said updates from said configuration client, terminating selected ones of said active application components, applying said received updates to said terminated application components, and reloading said updated application components (see, for example, Figs. 5 and 8; col. 9, lines 6-43; and col. 11, lines 25-40).

*Ma et al.* fails to expressly disclose the platform and configuration client both being disposed in a client position and the configuration client submitting at least one query to the configuration server via the second communication connection. However, *Yamano* teaches a configuration client being disposed in a client position (see, for example, Figs. 1 and 2 and col. 3, lines 42-63) and the configuration client submitting at least one query to the configuration server (see, for example, col. 4, lines 4-28). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to modify the method of *Ma et al.* to include such a configuration client arrangement and query submission. One would be motivated to do so facilitate the use of multiple configuration servers.

As per claim 11, *Ma et al.* discloses that new instances of objects are created from the object description fetched from the meta-server's database (see, for example, col. 6, lines 4-6). Thus, at bootstrap (when new object instances need to be created), the configuration server is queried to determine the application components (object descriptions).

As per claim 12, *Ma et al.* further discloses active application components being processes executing in the background of the platform (see, for example, col. 4, lines 59-63).

As per claim 13, *Ma et al.* further disclose a notifier object and a listener interface, wherein said active application components are configured to receive update notifications from said configuration client through said listener interface (see, for example, col. 9, line 6, through col. 10, line 66).

As per claim 14, *Ma et al.* further disclose a notifier object and a listener interface, wherein said configuration client is configured to receive update notifications from said



configuration server through said listener interface (see, for example, col. 9, line 6, through col. 10, line 66).

As per claims 15-20, these are machine readable storage versions of the claimed method steps discussed above (claims 1-6). *Ma et al.* further disclose the use of a machine readable storage for implementing the prescribed method steps (see, for example, cols. 21-22). All other limitations have been addressed as set forth above.

As per claims 24, 26-28, 30, and 31, see the disclosure and teachings applied above to claims 1-3, 5, 15-17, and 19.

As per claims 32 and 33, *Ma et al.* discloses establishing a communications connection between a client and a configuration server as the client undergoes bootstrap and querying the configuration server to identify a plurality of application components that are to be installed in the client (*Ma et al.* discloses that new instances of objects are created from the object description fetched from the meta-server's database (see, for example, col. 6, lines 4-6). Thus, at bootstrap (when new object instances need to be created), the configuration server is queried to determine the application components (object descriptions)); said client installing and executing said identified application components (see, for example, col. 9, lines 6-43); updating at least one application component within the configuration server (client classes are updated; see, for example, Figs. 5 and 8; col. 9, lines 6-43; and col. 11, lines 25-40); conveying a notification that the application component is updated to said client (see, for example, col. 9, lines 6-43); said client determining whether the application component is executing and when said application component is not executing, receiving said updated application component from said configuration server and replacing the application component with said updated application

component (objects having a reference count of zero are deleted; a client object referencing an invalid object can read the invalid bit from the cache and decide to release the invalid object and load the update object; see, for example, col. 9, lines 6-43).

*Ma et al.* further discloses identifying at least one executing process that utilizes said application component (see, for example, col. 9, lines 6-43); terminating execution of said identified process before said process self-terminates (objects having a reference count of zero are deleted; a client object referencing an invalid object can read the invalid bit from the cache and decide to release the invalid object and load the update object; see, for example, col. 9, lines 6-43); and executing said identified process utilizing the updated application component instead of said application component (see, for example, col. 9, lines 6-43).

7. Claims 7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,920,725 to Ma et al. in view of U.S. Patent No. 6,314,088 to Yamano and further in view of Andrew S. Tanenbaum, "Computer Networks," 1996, Prentice Hall PTR, third ed. (hereinafter *Tanenbaum*).

As per claims 7 and 21, *Ma et al.* and *Yamano* suggest such a method and machine readable storage (see the disclosure applied above to claims 6 and 20) but fail to expressly disclose the use of UDP packets for delivering the update notifications. However, *Tanenbaum* teaches that it is known to use UDP packets in client-server applications involving one-shot or one request/one response messaging as an alternative to establishing a connection through, for example, a TCP connection (see, for example, pages 37 and 542-543). Therefore, it would have been obvious to one having ordinary skill in the computer art at the time the invention was made

to further modify the method and storage of *Ma et al.* to include the use of UDP packets for transmitting update notifications. One would be motivated to do so to gain the advantages of prompt delivery and simplified messaging that UDP provides.

8. Claims 8, 9, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,920,725 to Ma et al. in view of U.S. Patent No. 6,314,088 to Yamano and further in view of Applicant's Admitted Prior Art.

As per claims 8, 9, 22, and 23, *Ma et al.* and *Yamano* teach such a method, system, and storage (see the disclosure applied above to claims 1, 10, and 15) but fail to expressly disclose the use of an LDAP-based database in an LDAP server. However, Applicant admits that it is known to use an LDAP on a server to access application updates and configuration information stored in a directory service (see p. 2, line 18, through p. 3, line 5 of the instant specification). Therefore, it would have been obvious to one having ordinary skill in the computer art at the time the invention was made to further modify the method, system, and storage of *Ma et al.* to include the use of an LDAP-based database in an LDAP server as suggested by Applicant's Admitted Prior Art. One would be motivated to do so to gain the advantages of such a known LDAP implementation.

### ***Conclusion***

9. Any new ground(s) of rejection presented in this Office action were necessitated by Applicant's amendment. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Any inquiry of a general nature should be directed to the TC 2100 Group receptionist:

571-272-2100.

EBK /EBK  
May 11, 2006



TUAN DAM  
SUPERVISORY PATENT EXAMINER